

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H



Safe and Healthy Lives in Safe and Healthy Communities

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

In the matter of:
Peter J. Embriano, M.D.

C98-216

CONSENT TO SURRENDER LICENSE

THIS MATTER came to the attention of the Rhode Island Department of Health, Board of Medical Licensure and Discipline pursuant to a notice of a Summary Suspension of Dr. Embriano - license to practice medicine by the State of Connecticut dated August 18, 1998.

The basis for this Suspension is contained in the charges issued by the Department of Public Health, Bureau of Regulatory Services for the State of Connecticut. The Respondent practiced as an ophthalmologist with offices located in Enfield and Rocky Hill, Connecticut.

On or about June 30, 1998, the United States Attorney filed federal charges (hereinafter the "Information") in the United States District Court for the District of Connecticut. A copy of the Information was attached and incorporated by reference as a Summary Suspension Attachment "C" in the Connecticut Order. On or about June 4, 1998, the Respondent signed an agreement (Summary Suspension Attachment "D")

agreeing to plead guilty to three counts set forth in the Information. On June 30, 1998, Respondent appearing before Honorable Dominic J. Squatrito in the United States District Court for the District of Connecticut, formally pled guilty to federal criminal charges as follows:

A. Respondent devised a scheme to submit fraudulent claims under Medicare to various Medicare carriers through "the" U.S. mails and electronically through computer and receive payment for such claims through the U.S. Mail. As part of said scheme, Respondent would routinely bill insurance companies for surgical procedures to the eyes of his patients known as "in-office" laser surgeries which were never performed.

B. Respondent devised a scheme to defraud patients and providers and to obtain money and property by submitting claims to insurance carriers for a procedure known as endothelial cell count photography, when in truth and in fact, as the Respondent knew, the endothelial microscope was either not used by Respondent or was not properly functioning and/or the procedure was not medically necessary.

C. Respondent submitted a false tax return.

A hearing on the above charges was to have taken place on September 1, 1998. However, on August 26, 1998 the Respondent, Peter J. Embriano, M.D., voluntarily surrendered his license to practice medicine in the State of Connecticut.

Respondent's license to practice medicine was suspended in Rhode Island on November 9, 1998. In lieu of an Administrative Hearing on this matter, the Respondent hereby surrenders voluntarily his license to practice medicine in Rhode Island.

The parties agree as follows:

(1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license No. 9692.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee II of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps

except for specifically contained herein;

f. Any and all rights of appeal of this Consent Order;

g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;

h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(5) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(6) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

(7) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(8) Respondent voluntarily surrenders his license to practice medicine in the State of Rhode Island. Reapplication

for licensure is not permitted until such time as the Respondent's license is reinstated by the State of Connecticut.

Signed this

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day of Dec 1998.

Peter J. Embriano, M.D.
Peter J. Embriano, M.D.

Dated: 12/8/98

James J. Cowdery
- His Attorney -

CERTIFICATION

I hereby certify that on the 16th day of December, 1998 a true and accurate copy of the within was mailed, certified mail, to:

James Cowdery, Esq.
Cowdery & Ecker
750 Main Street
Hartford, CT 06103

Sharm Beech

Ratified by the Board of Medical Licensure and Discipline at a meeting held on December 9, 1998.

Patricia A. Nolan, MD, MPH
Patricia A. Nolan, MD, MPH
Chairperson
Board of Medical Licensure and
Discipline